

REPUBLICAN COMMITTEE • CROTON-ON-HUDSON, NEW YORK 10520

November 17, 2002

Office of the Assistant General Counsel for Ocean Services  
National Oceanic and Atmospheric Administration  
U.S. Department of Commerce  
1305 East-West Highway  
Silver Spring, MD 20910

Re: Millenium Pipeline Appeal to NYS Dept Of State Determination

I am writing to the Secretary of Commerce with the sincere hopes that an override to the NYS Dept of State's determination of inconsistency will NOT be granted, as:

1. The pipeline is not in the National Interest;
2. Even if you find it is in the National Interest, you must also find that the interest outweighs any adverse impact that may result from the project.
3. Even New York City, the proposed major beneficiary of the pipeline to be constructed objects to the construction of THIS pipeline. NYC is aware that more than 11 other pipeline projects exist in varying degrees of development.

With the potential to render entire communities without drinking water from a fairly small miscalculation or error in construction, it would be a mistake of monstrous proportions to let this pipeline be built as planned. As I'm sure you're aware, prior determinations have been made by the Secy. of Commerce that provide that the fallout from accidents and errors should be considered in the balancing of interests (Korean Drilling, 1989). How could the potential adverse impact be any greater than in the instant matter before the Secretary:

- a. Bryn Mawr Siphon - reasonable potential to turn off the water spigot to MILLIONS of citizens in NYS;
- b. Croton Wellfields - reasonable chance of damage to sensitive aquifers that provide drinking water to village.  
Haverstraw Habitat - undisputed that this is a significant fish & wildlife habitat zone with practically zero tolerance for disturbance. Let's be real...the turbidity alone will alter this habitat for a long time to come.
- d. Risk to Indian Point Nuclear facility security by construction within one mile of plant (do we really think we'll be able to complete accurate background checks on the 4,000 workers who will be revolving in and out of this project?)

- e. Risk to high power transmission lines (planning a pipeline along a Con-Ed electric right of way borders on lunacy. We might as well draw an arrow on a map with a notation, "Terrorists Aim Here."). Can you envision the calamity from a gas main explosion that brings down 370 kv power lines. First projectiles from the explosion, then a spreading dust cloud, and then blazing fires for miles from the electrical fires).
- f. Environmental Disadvantaged Zone - The route from the FDR Veterans Hospital to the edge of Croton on Hudson travels through an area that has the following environmental impacts:
  1. Particle pollution from a waste incinerator in Peekskill, NY
  2. Radiation from Indian Point Nuclear power plant (major leak in year 2000 – rated in the bottom 5 plants in US)
  3. Exposure of adults and children to dioxin (applied by Con Ed on the right of way)
  4. Construction and Demolition debris waste transfer station in the Village of Croton
  5. Brownfields on property adjoining Croton waterfront from manufacturing facilities
  6. Landfill leakage from Croton Point (former superfund site with continuing problems)

An environmental disadvantaged zone is a phrase of my own creation to emphasize why residents in Northern Westchester have the sense that they have been "dumped" on. Residents already live in fear that cancer or other horrible diseases will strike their families; they live in fear of terrorist attacks on a nuclear facility; they live in fear from the number of large trucks entering and exiting their community to reach waste facilities. The shield of laws and regulations in place seem like holding up paper plates to stop the knife blow of the stronger, well financed companies looking for a way to increase the bottom line.

While some fears may be perceived as paranoia, it is beyond reason that the placement and construction of a pipeline near a nuclear facility and along a high power transmission line is, indeed, fearful. It is an adverse impact that is not cited in the analysis of an appeal. Yet isn't the pursuit of happiness the ultimate goal of why government exists...a constitutionally protected right? In balancing the interests here, who eventually benefits from a pipeline are people, and who eventually suffers from the environmental impact of building and operating a pipeline are people. Even if the numbers of people negatively impacted do not exceed the numbers benefited (which in this matter they do), doesn't a severe impact to a small group, still outweigh a minimal advantage to a larger group.

As I stated at the public hearings on this matter on November 13, 2002, I have served for more than ten years as a panel member for Construction Industry Arbitrations before the American Arbitration Association, and have been a guest lecturer on handling complex arbitrations.. I have never had parties appear before me who initiated a construction project with the expectation that mistakes would happen. Mistakes are, by definition, unexpected occurrences. CNA insurance issues the predominate malpractice liability coverage for architects and engineers in the United States. Its premiums are not as extreme as they are because architects and engineers don't make mistakes. We all know mistakes happen. We can't afford to take the risk of one happening on this pipeline...not the way its planned...and not with the poor science position taken by the FERC (incorporating environmental impacts whole hog from Millenium into its FEIS).

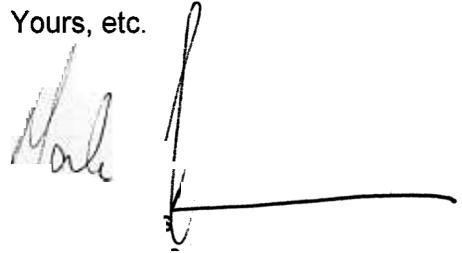
Let me be candid. There is a great degree of speculation that national political pressure will come to bear that will ensure a decision in favor of the pipeline going forward. Citizens are wary of FERC and its perceived industry alliances, and the alliances of President Bush and VP Cheney to the energy sector. As a Republican under a Republican administration, I can not emphasize enough the foolheartedness of letting this pipeline go forward. This process is being scrutinized by some of the brightest and most ardent grass roots organizers I have ever witnessed.

From a strategic perspective, Westchester County (along with Nassau County) are lynchpins in succeeding in NY State in 2004. If not the first, let me at least be early in saying that without winning these two counties, Republicans can not take NYS. Governor Pataki has come down clearly in opposition to this project on CMZA grounds. This is not the pipeline project it was initially thought to be and any local political support for it has quickly evaporated. It should be noted that Senators Clinton and Schumer initially came out in favor of the pipeline. I attribute this to the knee jerk response of politicians that ANYTHING that brings energy to urban centers is considered a political godsend. It is unfortunate that politicians speak too soon about projects where their initial knowledge is too scant.

In closing, let me reiterate my concerns that the Secretary of Commerce will decide this matter on the procedural ground regarding the timeliness of the DOS decision. I have read both the appellant's and the appellee's initial briefing on the subject. There is ample material there to go either way, with a clear leaning on behalf of the DOS on the issue (let's face facts...Millenium is hard pressed to argue a time bar, when it proceeded with the review and the DOS extension letter had anticipated that the extension of 30 to 60 days would be further extended if there were changes in the project. Only extremely biased persons could argue that blasting in a protected habitat is not a substantial project change. As someone who has had to face these types of decisional matrixes in my career, I may have felt differently about the issue if Millenium proceeded under express protest with a written reservation of rights clause somewhere in their documentation).

As a concerned citizen, it would be a momentous act of cowardice to take the procedural way out of deciding this matter. With the health and well being of millions of lives at stake, the citizens of this great country are entitled to a decision on the merits. Anything less would be a denial of due process. Please don't disappoint them.

Yours, etc.

A handwritten signature in black ink, appearing to read "Mark", followed by a long horizontal line extending to the right.



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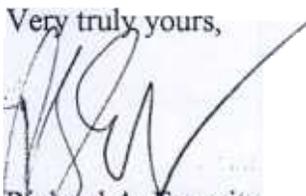
November 12, 2002

Commerce Department  
Office of the Assistant Counsel for Ocean Services  
National Oceanic and Atmospheric Administration  
1305 East West Highway  
Silver Spring, MD 20910

Re: Millennium Pipeline

I am in favor of the Millennium Pipeline for the following reasons:

1. A New fuel source is needed in this area hopefully to replace the nuclear reactors at Indian Point.
2. Underground gas is not a hazard to the environment because it is self-contained in a pipe.
3. It is safe because it is transferred without oxygen; therefore it is in a non-explosive state. Should a break in the pipe occur, it would be emitted into the air and if ignited, would only emit a flame, which I have personally seen on North State Road in Briarcliff Manor a few years ago.
4. Haverstraw Bay would be disturbed but not permanently! Any bottom sediment disturbances will settle soon after the pipe is laid and will then lie in its natural state. The disturbance of removal of PBCs is far more damaging and perhaps this crossing can be coordinated with the PBC removal.
5. Forests disturbed will be re-seeded and there will remain no massive blacktop or concrete over burden. I see nothing wrong with some grass verses woodlands along the parkway; no differential would be noticed.
6. Noting all of the above, I believe people are more important than any insignificant disturbances of the environment to provide safer source of fuel than radioactive plants.

Very truly yours,  
  
Richard A. Esposito  
President

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